

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ANTONIO GALLEGOS, KRISTIAN PETTINE,
ANDRE GALLEGOS, and K.L.P.L.,

Plaintiffs,

vs.

No. CV-12-00224 LH-KBM

CITY OF ESPAÑOLA, a municipal corporation,
JOE MARTINEZ, individually and in his official capacity;
JEREMY APODACA, individually and in his official capacity;
ROBERT VIGIL, individually and in his official capacity;
CITY OF ESPANOLA OFFICERS and SUPERVISORS JOHN DOES 1 through 10,
individually and in their official capacities,

Defendants.

**MOTION TO APPOINT GUARDIAN AND ATTORNEY
FOR THE MINOR CHILD K.L.P.L.**

COME NOW, the Plaintiffs, by and through their attorney, New Mexico Firm, L.L.C. [Nathaniel V. Thompkins], and moves this Court for the entry of an Order appointing a Guardian Ad Litem for the minor children, K.L.P.L., for the purpose of representing the minor child's interest and so that this Court can properly protect the interest of the minor. In support of this Motion, the Plaintiffs state:

1. Retired Judge Tommy Jewell has agreed to serve as Guardian and Attorney for K.L.P.L., with the approval of the Court.
2. NMRA, Rule 1-017(C) states that "The court ***shall appoint a guardian ad litem for an infant or incompetent person not otherwise represented in an action ...***". *Id.* (Emphasis ours). The minor child is not currently represented in the instant action.
3. Because K.L.P.L. is a minor, it is appropriate that the Court appoint a Guardian and Attorney to represent the minor child and protect her interests.

Exhibit A

WHEREFORE, the parties respectfully request this Court enter an Order, in the form provided hereto, approving the following:

- A. Appointment of Retired Judge Tommy Jewell as the Guardian and Attorney for K.L.P.L.;
- B. Retired Judge Tommy Jewell has consented to the appointment as evidence by his Letter of Acceptance, and;
- C. Granting such other and further relief as the Court deems just and proper.

Respectfully Submitted:

/s/ Nathaniel V. Thompkins

Nathaniel V. Thompkins

NEW MEXICO FIRM, LLC

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Santa Fe, NM 87501

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Counsel for Plaintiffs

I hereby certify that on the 5th day of May, 2013, I filed the foregoing electronically through the CM/ECF system, which caused the following counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Mark Basham
2205 Miguel Chavez Road, Suite A
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Attorneys for City of Espanola Defendants

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812 Jefferson St., N.E.
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/s/ Nathaniel V. Thompkins
Nathaniel V. Thompkins

Exhibit A